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PATENT

Practitioner's Docket No. U013784.9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of **Noel John de Souza, et al.**Serial **10/033,366**
No.:

Group No.: 1654

Filed: **December 27, 2001**Examiner: **Flood Michelle, C.**For: **TREATMENT OF IMMUNE SYSTEM-MODULATED DISORDERS**

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OCT 16 2003

Commissioner for Patents
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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
BEFORE MAILING DATE OF EITHER A FINAL ACTION
OR NOTICE OF ALLOWANCE (37 C.F.R. 1.97(c))

NOTE: 37 C.F.R. 1.97: "(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement specified in paragraph (e) of this section; or
- (2) The fee set forth in § 1.17(p)."

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8(a)

- ☒ with sufficient postage as first class mail.

37 C.F.R. 1.10* (**Preferred**)

- ☐ as "Express Mail Post Office to Address"
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TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: September 15, 2003

Signature

Janet I. Cord

(type or print name of person certifying)

10/15/2003 AWONDAF1 00000055 10033366

02 FC:1806

180.00 QP

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. § 1.704(d): "A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable."

NOTE: "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. 1.17(p), the Office action shall not be made final. Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

WARNING: No extension of time can be had under 37 C.F.R. 1.136(a) or (b) for filing an IDS. 37 C.F.R. 1.97(f).

TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:

- (1) a final action under § 1.113 or
- (2) a notice of allowance under § 1.311,

whichever occurs first.

STATEMENT OR FEE

2. Accompanying this transmittal is
(check either A or B below)

A. ☐ a statement as specified in 37 C.F.R. 1.97(e).

OR

B. ☒ the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

METHOD OF PAYMENT OF FEE

3.

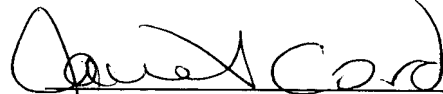
- ☐ Attached is a check in the amount of \$ _____.
☐ Charge Account No. _____ in the amount of \$ _____.
A duplicate of this request is attached.

If any additional fees are due, please charge Account 12-0425.

Reg. No. 33, 778

Tel. No.: (212) 708-1935

Customer No.: 00140



SIGNATURE OF PRACTITIONER

JANET CORD

(type or print name of practitioner)

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Noel John de Souza, et al.

Serial No.: 10/033,366

Group No.: 1654

Filed: December 27, 2001

Examiner.: Flood, Michele C.

For: TREATMENT OF IMMUNE SYSTEM-MODULATED DISORDERS

Attorney Docket No.: U 013784-9

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Assistant Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

In accordance with the requirements of 37 CFR 1.56, the following references are being brought to the attention of the examiner.

1. Birdsall, et al, Alt. Med Rev. 1997 2 (2); 94 -103

This reference discloses that berberine has antimicrobial activity.

2) George, et al. Journal of Scientific and Industrial Research Vol. 6B No. 3 (pgs 42-46); March 1947

CERTIFICATE OF MAILING /TRANSMISSION(37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

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☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, P. O. Box 1450, Alexandria, VA 2313-1450

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☐ transmitted by facsimile to the Patent and Trademark Office to fax number (703) 746-4979.

Signature

Date: September 15, 2003

Janet I. Cord

(type or print name of person certifying)

On page 43 of the George reference preparation of alcoholic extracts of plants is described. The plant material is cleaned, chopped and powdered or macerated and then transferred to a clean flask and absolute alcohol is added. The flask is corked and kept at laboratory temperature for 24 hours with occasional shaking. The alcoholic extract is filtered. Water is added to the residue of the alcoholic extract. After 24 hours the water extract is filtered. The antibiotic value of the alcoholic extract and the water extract of the residue of the alcoholic extract was tested. According to Table 1 (number 93) the only antibiotic activity was activity of the alcoholic extract of the stem of *Tinnosporia cordifolia* against *E. Coli*.

PTO Form 1449 is attached.

Respectfully submitted



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Reg. No. 33, 778 (212-708-1935)

FORM PTO-1449

U. S DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

SERIAL NO.

U013784.9

10/033366

APPLICANT

Noel John de Souza, et al

FILING DATE

GROUP

October 27, 2001

1654

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use several sheets if necessary)



REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
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	AI						
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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	AL							
	AM							
	AN							
	AO							
	AP							

OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

	AR	Birdsall, et al. Alt. Med Rev. 1997; 2(2); 94-103
	AS	George, et al, Journal of Scientific and Industrial Research Vol. 6B . No. 3 (pgs 42-46); March 1947
	AT	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.